

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE OTIS D. WRIGHT, II, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	<u>CERTIFIED TRANSCRIPT</u>
)	
vs.)	
)	Case No.
ISRAEL SANCHEZ,)	2:18-cr-00553-ODW-1
)	
Defendant.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
CHANGE OF PLEA
REPORTED VIA VIDEO TELECONFERENCING
MONDAY, DECEMBER 7, 2020
8:06 A.M.
LOS ANGELES, CALIFORNIA

DEBBIE HINO-SPAAN, CSR 7953, CRR
FEDERAL OFFICIAL COURT REPORTER
411 WEST 4TH STREET, ROOM 1-053
SANTA ANA, CA 92701
dhinospaan@yahoo.com

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

NICOLA T. HANNA
United States Attorney
BY: JOSEPH TIMOTHY McNALLY
Assistant United States Attorney
312 North Spring Street
Los Angeles, California 90012
213-894-3713
joseph.mcnally@usdoj.gov

FOR THE DEFENDANT:

CUAUHTÉMOC ORTEGA, FEDERAL PUBLIC DEFENDER
BY: CALLIE GLANTON STEELE
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4206
213-894-6075
Callie_Steele@fd.org

ALSO PRESENT:

JILL HOSKINS, Spanish-language interpreter

1 **LOS ANGELES, CALIFORNIA; MONDAY, DECEMBER 7, 2020**

2 **8:06 A.M.**

3 - - -

4 THE COURTROOM DEPUTY: Calling Item 1, CR 18-553,
08:06AM 5 *United States of America vs. Israel Sanchez.*

6 Counsel, may I have your appearances, please.

7 MR. McNALLY: Good morning, Your Honor. Joe McNally
8 on behalf of the United States.

9 THE COURT: Mr. McNally.

08:06AM 10 MS. GLANTON STEELE: Good morning, Your Honor.
11 Callie Glanton Steele appearing on behalf of Mr. Sanchez, who
12 is present and being assisted by a Spanish-language
13 interpreter.

14 THE COURT: Ms. Glanton Steele and Mr. Sanchez, good
08:06AM 15 morning.

16 All right. We're going to do a redo of the change
17 of plea hearing. And I'm not going to go into all the
18 machinations that have gone on before which has brought us back
19 to the position where we're doing another change of plea
08:07AM 20 hearing. All right? We've gone through much of this before.

21 Mr. Sanchez, I'm going to briefly go over some of
22 the ground rules again. And I apologize if this is
23 repetitious, but in a few moments we're going to have you
24 placed under oath because I'm going to be asking you a series
08:07AM 25 of questions to which I will require an honest answer. If it's

1 later determined that you have been willfully false in any of
2 your answers to the Court's questions, that may subject you to
3 a future prosecution for perjury or for making a false
4 statement.

08:08AM 5 THE DEFENDANT: Okay.

6 THE COURT: All right. Once again, we are going to
7 be utilizing the written plea agreement entered into between
8 you and the government and filed with the Court on October 7 of
9 2019. That agreement will be incorporated and made a part of
08:08AM 10 these proceedings.

11 First of all, sir, are you willing to give up your
12 right to remain silent for the purposes of this hearing only so
13 that you may answer the Court's questions?

14 THE DEFENDANT: Yes.

08:08AM 15 THE COURT: All right. Does counsel join in that
16 waiver?

17 MS. GLANTON STEELE: Yes, Your Honor.

18 THE COURT: Once again, some of the ground rules.
19 Like I indicated, I will be asking you a series of questions.
08:08AM 20 So I'm just going to be making a number of statements to you.
21 But with respect to the questions, please do not attempt to
22 answer any questions that you don't understand. If you answer
23 my question, it will be assumed that you understood the
24 question. So if something is unclear to you, please interrupt
08:09AM 25 me, and I will attempt to make it clear for you.

1 Also, if at any time you wish to confer with your
2 attorney, just let me know and we will make arrangements here
3 for you to be able to speak with your attorney confidentially.
4 All right?

08:09AM 5 THE DEFENDANT: Okay. Okay.

6 THE COURT: And like I said, we've gone through this
7 entire process before. If you have any questions of me
8 regarding this hearing and the procedures that we're going to
9 go through, now would be the time to ask those questions.

08:10AM 10 Do you have any questions?

11 THE DEFENDANT: No. Not right now.

12 THE COURT: All right. Sheila?

13 THE COURTROOM DEPUTY: Yes.

14 THE COURT: Go ahead and administer the oath.

08:10AM 15 THE COURTROOM DEPUTY: Okay.

16 **(The defendant was sworn.)**

17 THE COURTROOM DEPUTY: Thank you.

18 THE COURT: All right, sir. State your true and
19 correct name, please.

08:11AM 20 THE DEFENDANT: Israel Sanchez Mattas.

21 THE COURT: All right. And how old are you, sir?

22 THE DEFENDANT: 54.

23 THE COURT: And have you been treated recently for
24 any mental illness or addiction to narcotics?

08:11AM 25 THE DEFENDANT: No.

1 THE COURT: Are you presently under the influence of
2 any drug, medication, or alcoholic beverage of any kind?

3 THE DEFENDANT: No.

4 THE COURT: Have you had any drugs, medication, or
08:11AM 5 alcohol within the last 24 hours?

6 THE DEFENDANT: No.

7 THE COURT: Have you been prescribed any medication
8 which you have not taken?

9 THE DEFENDANT: No.

08:12AM 10 THE COURT: Do you suffer from any mental condition
11 or disability that would prevent you from understanding the
12 charge against you or the consequences of your guilty plea?

13 THE DEFENDANT: No.

14 THE COURT: Are you aware of any reason why we
08:12AM 15 should not go forward today and take your plea?

16 THE DEFENDANT: Could you please repeat the
17 question.

18 THE COURT: Are you aware of any reason why we
19 should not go forward this morning and take your plea?

08:12AM 20 THE DEFENDANT: Oh, no.

21 THE COURT: All right. Ms. Glanton Steele, have you
22 had an opportunity to speak with your client about these
23 proceedings?

24 MS. GLANTON STEELE: Yes, Your Honor.

08:13AM 25 THE COURT: Do you have any reason to believe that

1 your client should not go forward with this plea today?

2 MS. GLANTON STEELE: No, Your Honor.

3 THE COURT: And do you believe that he is in
4 possession of his faculties and is competent to proceed?

08:13AM 5 MS. GLANTON STEELE: Yes, Your Honor.

6 THE COURT: Based upon the statements of the
7 defendant and his counsel as well as my own observations, I
8 find that the defendant is in full possession of his faculties
9 and is mentally competent to proceed.

08:13AM 10 All right, sir, you are -- well, have you received a
11 copy of the Indictment in this case?

12 THE DEFENDANT: Yes.

13 **(Audio distortion.)**

14 THE COURT: There was a lot of shuffling. Was there
08:14AM 15 an answer?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Thank you.

18 You have the right to have that Indictment read to
19 you at this time. Do you wish to have it read to you, or do
08:14AM 20 you give up that right?

21 THE DEFENDANT: No, it's not necessary.

22 THE COURT: All right. You also have the following
23 constitutional rights, and these are rights that you would be
24 giving up by pleading guilty. First, you have the right to
08:14AM 25 plead not guilty to any offense charged against you and to

1 persist in that plea. You have the right to a speedy and
2 public trial. You have the right to a trial by jury. At
3 trial, you would be presumed to be innocent, and the
4 government would have to prove your guilt beyond a reasonable
08:15AM 5 doubt. If both you and the government give up your right to a
6 jury trial, you have the right to be tried by the Court.

7 You have the right to the assistance of counsel for
8 your defense throughout the proceedings. If you cannot afford
9 counsel, the Court will appoint counsel to represent you free
08:15AM 10 of charge at trial and at every other stage of the proceedings.
11 You have the right to confront and cross-examine the witnesses
12 against you, that is, to see and hear all the witnesses testify
13 and be questioned by the lawyers.

14 You have the right to have witnesses subpoenaed and
08:16AM 15 compelled to come into court to testify on your behalf. You
16 have the right to testify yourself on your own behalf. You
17 have the privilege against self-incrimination; that is, you
18 have the right not to testify or incriminate yourself in any
19 way. If you went to trial and decided not to testify, that
08:16AM 20 fact could not be used against you. By pleading guilty, you
21 are giving up that right, and you are incriminating yourself.
22 Lastly, you have the right to appeal your conviction and your
23 sentence if you went to trial and were convicted.

24 Now, have you been advised of all of these rights?

08:17AM 25 THE DEFENDANT: Yes.

1 THE COURT: Do you recall that, when your plea
2 agreement was read to you, that these same rights were covered
3 in the plea agreement?

4 THE DEFENDANT: Yes.

08:17AM 5 THE COURT: Do you have any questions about your
6 constitutional rights?

7 THE DEFENDANT: Not now.

8 THE COURT: All right. Do you need to talk to your
9 lawyer about your constitutional rights?

08:17AM 10 THE DEFENDANT: Not now.

11 THE COURT: Do you understand that, if your plea is
12 accepted, you will be incriminating yourself and you have given
13 up the right to a trial and all of the other rights that I've
14 just described?

08:18AM 15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you give up those rights?

18 THE DEFENDANT: Yes.

19 THE COURT: Ms. Glanton Steele, are you satisfied
08:18AM 20 that each of these waivers is knowingly, voluntarily, and
21 intelligently made?

22 MS. GLANTON STEELE: Yes, Your Honor.

23 THE COURT: And do you join and concur in each of
24 the waivers?

08:18AM 25 MS. GLANTON STEELE: Yes, Your Honor.

1 THE COURT: All right, sir. You're charged in
2 Count Three of the Indictment with violation of Title 18,
3 United States Code, Section 2251(a), production of child
4 pornography. At this time, I am going to ask the prosecutor to
08:19AM 5 state the elements of the charge.

6 All right. Mr. McNally?

7 MR. McNALLY: Yes, Your Honor. The government would
8 have to prove the following beyond a reasonable doubt: First,
9 at the time of the offense, the victim was under the age of 18;
08:19AM 10 second, defendant used the victim to take part in sexually
11 explicit conduct for the purpose of producing a visual
12 depiction of such conduct; and the visual depiction was
13 produced using materials that have been mailed, shipped, or
14 transported across state lines or in foreign commerce.

08:19AM 15 THE COURT: All right. Do you have any questions
16 about the elements that the government would have to prove
17 beyond a reasonable doubt in order to secure your conviction on
18 Count Three, sir?

19 THE DEFENDANT: No. But just that the videos were
08:20AM 20 never sent anywhere.

21 MS. GLANTON STEELE: Your Honor, may I have a moment
22 to confer with my client?

23 THE COURT: Please.

24 THE INTERPRETER: Okay. The interpreter is going to
08:20AM 25 have a private conversation. One moment.

1 **(Counsel and defendant conferred off the record**
2 **with the interpreter.)**

3 MS. GLANTON STEELE: Thank you, Your Honor. We're
4 ready to proceed.

08:22AM 5 THE COURT: All right. Once again, sir, do you
6 understand what the prosecutor just said and what the
7 government will prove on Count Three?

8 THE DEFENDANT: Yes. Yes. Yes, I understand.

9 THE COURT: All right. Okay. And have you been
08:22AM 10 advised of the various penalties that you face?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Once again, even though
13 these matters are covered in the plea agreement, I want the
14 prosecutor to go over these penalties that you face including
08:23AM 15 the maximum prison term which could be imposed, any mandatory
16 minimum term that the Court must impose, the maximum fine which
17 could be levied against you, the special assessment which I
18 must levy against you, the concept of supervised release, and
19 the various collateral consequences which result from suffering
08:23AM 20 a felony conviction.

21 Are you a United States citizen, sir?

22 THE DEFENDANT: No.

23 THE COURT: All right. We will also then discuss
24 the immigration consequences.

08:24AM 25 All right. Mr. McNally?

1 MR. McNALLY: The statutory maximum sentence that
2 the Court may impose for a violation of Title 18, United States
3 Code, Section 2251(a) is 30 years' imprisonment; a lifetime
4 period of supervised release; a \$250,000 fine or twice the
08:24AM 5 gross loss -- gross gain or gross loss resulting from the
6 offense, whichever is greatest; and a mandatory special
7 assessment of \$100.

8 Defendant further understands that the statutory
9 mandatory minimum sentence that the Court must impose for the
08:25AM 10 offense is 15 years' imprisonment and a \$100 special
11 assessment.

12 Defendant understands that pursuant to the
13 Justice for Victims of Trafficking Act of 2015, the Court must
14 impose an additional \$5,000 special assessment, if the Court
08:25AM 15 concludes that defendant is a nonindigent person, to be paid
16 after defendant's other financial obligations have been
17 satisfied.

18 Does the Court want me to read the supervised
19 release provisions as well?

08:25AM 20 THE COURT: Yes.

21 MR. McNALLY: Defendant also understands that
22 supervised release is a period of time following imprisonment
23 during which defendant will be suffering various restrictions
24 and requirements. Defendant understands that, if defendant
08:25AM 25 violates one or more of the conditions of any supervised

1 release imposed, defendant may be returned to prison for all or
2 part of the supervised release authorized by statute for which
3 the -- for the offense that results in the term of supervised
4 release --

08:26AM 5 THE COURT: Let me -- let me interrupt you one
6 second. There's an awful lot of background noise. So if
7 you're not speaking, would you please mute your microphones.
8 Go ahead, sir.

9 MR. McNALLY: Defendant may be returned to prison
08:26AM 10 for all or part of the term of supervised release authorized by
11 statute for the offense that results in the term of supervised
12 release, which could result in defendant serving a term of
13 imprisonment greater than the statutory maximum stated.

14 Defendant also understands that, as a condition of
08:26AM 15 supervised release, defendant will be required to register as a
16 sex offender. Defendant understands that, independent of
17 supervised release, he will be subject to federal and state
18 registration requirements for a possible maximum term of
19 registration up to and including life.

08:27AM 20 Defendant further understands that, under 18 U.S.C.
21 Section 4042(c), notice will be provided to certain law
22 enforcement agencies after his release from custody following
23 conviction.

24 The restitution provisions, Your Honor, do you want
08:27AM 25 me to read those as well?

1 THE COURT: You've covered the \$5,000 -- if you
2 believe that -- if you believe that we will have evidence that
3 will support a restitution order pertaining to these particular
4 victims, then go ahead.

08:27AM 5 MR. McNALLY: Yeah, I think it's best to include it.

6 Defendant understands and agrees that, pursuant to
7 18 U.S.C. Section 2259, defendant will be required to pay full
8 restitution to victims of the offense to which defendant is
9 pleading guilty. Defendant agrees that, in return for the U.S.

08:28AM 10 Attorney's Office's compliance with its obligation under the

11 plea agreement, the Court may order restitution to persons

12 other than the victim's statement of the count to which

13 defendant is pleading guilty. In particular, defendant agrees

14 that the Court may order restitution to any victim of the

08:28AM 15 following for losses suffered as a result: Any relevant

16 conduct as defined by Section 1B1.3 of the Sentencing

17 Guidelines in connection with the offense to which defendant is

18 pleading guilty; any counts dismissed pursuant to the plea

19 agreement as well as relevant conduct as defined by Section

08:28AM 20 1B1.3 of the plea agreement in connection with those counts.

21 THE COURT: All right. Thank you.

22 All right, sir, do you have any questions about

23 anything the prosecutor has just said?

24 THE DEFENDANT: No. Not now.

08:29AM 25 THE COURT: All right. You should understand that

1 the rule has been abolished in the federal system and, if you
2 are sentenced to prison, you will not be released on parole.
3 Is that clear?

4 THE DEFENDANT: Yes.

08:29AM 5 THE COURT: Do you feel that you've understood
6 everything that's been said so far?

7 THE DEFENDANT: Yes. Yes, I understand.

8 THE COURT: Any reason why I should not continue and
9 continue with your plea?

08:29AM 10 THE DEFENDANT: No.

11 THE COURT: All right, sir. You will be sentenced
12 under the Sentencing Reform Act of 1983. The United States
13 sentencing committee has issued guidelines which judges must
14 consult and take into account but are not required to follow in
08:30AM 15 determining the sentence in a criminal case.

16 Now, have you and your lawyer talked about how the
17 Sentencing Guidelines might be applied in your case?

18 THE DEFENDANT: Yes.

19 THE COURT: You should understand that neither the
08:30AM 20 Court nor your lawyer will be able to determine the Guidelines
21 range for your case until after the Presentence Report has been
22 prepared by the Probation Office. Now, in this particular
23 case, that report has been prepared.

24 You should also understand that, now that the report
08:31AM 25 has been prepared and the parties have had an opportunity to

1 review that report, the parties will have occasion to argue the
2 report that facts in addition to those set forth in the
3 Presentence Report should be considered by the Court in
4 determining the appropriate sentence in your case. And,
08:31AM 5 naturally, you will have an opportunity to speak to that issue
6 at the time of sentencing.

7 Now, there is a certain level of uncertainty
8 involved here because no one, including the Court, knows
9 precisely what the sentence will be in this case. But neither
08:31AM 10 this uncertainty nor any disappointment you may feel over the
11 Guidelines range for your case nor the Court's eventual
12 sentence will be a basis for you to withdraw your guilty plea.

13 Is that clear?

14 MR. McNALLY: Your Honor, may I be heard, please?

08:32AM 15 THE COURT: Yes.

16 MR. McNALLY: Your Honor, it's an 11(c)(1)(C) --

17 THE COURT: Yes.

18 MR. McNALLY: -- with a range from 15 to 20 years.

19 And maybe I misheard the Court, but, obviously, if he's
08:32AM 20 sentenced outside of that range he could recall.

21 THE COURT: We have been down this road. In fact,
22 that's what brings us here today. That's why we are still
23 doing this many, many months after his original change of plea.
24 The Court indicated on more than one occasion the Court does
08:32AM 25 not accept the plea agreement.

1 Mr. Sanchez, is there still any doubt in your mind
2 about that, that you have entered into what's known as a
3 binding plea agreement with the government? And if the Court
4 accepts that agreement, the Court is bound to sentence you in
08:32AM 5 accordance with the terms of that agreement. The Court has
6 indicated that it does not accept that agreement.

7 Do you recall that?

8 MS. GLANTON STEELE: Your Honor, this is a new
9 agreement.

08:33AM 10 THE DEFENDANT: Yes. Yes. I understand.

11 THE COURT: Okay. Wait a minute. Wait. Wait.
12 Wait. Wait. There has been a new plea agreement?

13 MS. GLANTON STEELE: Yes, Your Honor.

14 MR. McNALLY: It's a different agreement than last
08:33AM 15 time. The last agreement was a binding agreement to 15 years.
16 This is a range -- binding range of 15 to 20 years'
17 imprisonment.

18 THE COURT: I haven't seen that. One of the
19 problems, I guess, of not coming in here every day. All right.
08:33AM 20 Well, here we go again. We're going to have to stop.

21 Is the new plea agreement also an 11(c)(1)(C)?

22 MR. McNALLY: It's an 11(c)(1)(C) for 15 to 20
23 years. The prior agreement was 11(c)(1)(C) for 15 years.

24 THE COURT: Hang on. Maybe this is still doable.

08:34AM 25 MR. McNALLY: I'm happy to e-mail it to the Court

1 right now if it doesn't have it in front of it.

2 THE COURT: No, I don't have it. But if that is the
3 only thing that has changed, I suppose we can proceed.

4 The Court is simply not going to make a commitment
08:35AM 5 at this time as to whether or not it is going to accept the
6 agreement. And if that's all right with everyone, then we will
7 continue.

8 MR. McNALLY: Understood. That's fine with the
9 government. And the only material change is the 15 to 20 years
08:35AM 10 and that, also, that the appellate waiver tracks that as well.
11 So it's changed from 15 years to the binding 15 to 20.

12 And the government's fine with the Court proceeding
13 without accepting at this point.

14 THE COURT: Ms. Glanton Steele, are you okay with
08:35AM 15 that?

16 MS. GLANTON STEELE: Yes, Your Honor.

17 THE COURT: Okay. I'll tell you what we'll do,
18 Mr. McNally. When I begin discussing his appellate rights, I'm
19 going to have you cover that, because I'm not certain that what
08:36AM 20 I have before me is reflected in the new plea agreement. Okay?

21 MR. McNALLY: Very well.

22 THE COURT: All right. All right. Then I am not
23 certain whether or not the pagination has been changed very
24 much, but I would, sir, like to discuss the signature pages on
08:36AM 25 this agreement. It can very well -- do you have the agreement

1 with you, Mr. Sanchez?

2 MS. GLANTON STEELE: No, Your Honor. He can't have
3 the agreement with him because, if someone finds it, it would
4 put his life in danger. So it was read to him in Spanish.

08:36AM 5 THE COURT: Okay. Then let me just do it this way.

6 Mr. Sanchez, the agreement was read to you in
7 Spanish by a Spanish-language interpreter; correct?

8 THE DEFENDANT: Yes. That's right.

9 THE COURT: And after the agreement was read to you,
08:37AM 10 did you sign the agreement?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you recall signing two pages of
13 the agreement?

14 THE DEFENDANT: Yes, I remember that.

08:37AM 15 THE COURT: Okay. Do you feel that --

16 MR. McNALLY: Your Honor, may I?

17 THE COURT: Yes.

18 MR. McNALLY: You know, I think, just for the
19 record, Mr. Sanchez signed the first agreement. With respect
08:37AM 20 to the second agreement, the signature is Ms. Steele's
21 signature, and it states "Callie Glanton Steele on behalf of
22 Mr. Sanchez" on November 12th, 2020. And I think Mr. Sanchez
23 can confirm on the record that he authorized Ms. Steele to do
24 that in light of, you know, the pandemic, and that he reviewed
08:38AM 25 the agreement with both Ms. Steele and the Spanish-language

1 interpreter.

2 THE COURT: Thank you.

3 All right. Mr. Sanchez, do you agree with what the
4 prosecutor just said?

08:38AM 5 THE DEFENDANT: Yes.

6 THE COURT: And you did authorize your attorney to
7 sign the agreement -- the second agreement on your behalf?

8 THE DEFENDANT: Yes.

9 THE COURT: And it is your opinion that the written
08:38AM 10 agreement accurately represents the understanding that you have
11 with the government?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Has anyone made you any
14 promises, representations, or guarantees of any kind in an
08:39AM 15 effort to get you to plead guilty in this case other than what
16 is contained in the written plea agreement?

17 THE DEFENDANT: No.

18 THE COURT: Other than what is contained in the
19 written plea agreement and other than a general discussion of
08:39AM 20 the guidelines sentencing range with your attorney, has anyone
21 made you any promises of leniency, a particular sentence,
22 probation, or any other inducement of any kind in an effort to
23 get you to plead guilty?

24 THE DEFENDANT: No.

08:39AM 25 THE COURT: Has anyone told you that the Court will

1 impose any specific sentence in the event your guilty plea is
2 accepted?

3 THE DEFENDANT: No.

4 THE COURT: Has anyone attempted in any way to
08:40AM 5 threaten you, a family member, or anyone close to you in an
6 effort to get you to plead guilty in this case?

7 THE DEFENDANT: No.

8 THE COURT: All right. Thank you. At this point,
9 I'd like to discuss the appellate rights, the waiver of those
08:40AM 10 rights. And normally there is a paragraph that discusses a
11 waiver of your right to appeal your conviction, as is normally
12 the course. You are giving up your right to appeal your
13 conviction on any ground other than what you're doing here this
14 morning, that is, pleading guilty. It's not voluntary on your
08:41AM 15 part, that you are acting either under duress or coercion or
16 some other factor or situation which has nullified the exercise
17 of your free will.

18 In addition, that paragraph normally contains a
19 provision indicating that you are also giving up your right to
08:41AM 20 argue that the statute that is reflected in Count Three of the
21 Indictment is unconstitutional. You will not be able to make
22 that argument.

23 And the third provision which is normally contained
24 in the waiver of appeal of conviction paragraph is that you are
08:42AM 25 giving up your right to argue that the statement of facts

1 contained in the plea agreement is insufficient to support your
2 plea of guilty.

3 Do you understand that, sir?

4 THE DEFENDANT: Yes, I understand.

08:42AM 5 THE COURT: All right. And if there is something in
6 addition to those provisions contained in the revised plea
7 agreement, Mr. McNally, please chime in.

8 MR. McNALLY: In addition to the waivers that the
9 Court just referenced, there is a limited mutual waiver of
08:43AM 10 appeal of sentence, and that is that the defendant agrees that,
11 provided the Court imposes the sentence specified in
12 paragraph 17 of the plea agreement -- and that sentence is a
13 sentence between 50- -- 15 and 20 years' imprisonment -- that
14 defendant gives up the right to appeal the Court's sentence.
08:43AM 15 Defendant also gives up the right to appeal the restitution
16 order here.

17 THE COURT: All right. Excellent.

18 Is that your understanding of the terms of the
19 agreement as it pertains to your right to appeal your sentence,
08:43AM 20 sir?

21 THE DEFENDANT: Yes. Yes.

22 THE COURT: All right. Good.

23 Ms. Glanton Steele, normally, I would ask questions
24 about your signature on the agreement, but that's not practical
08:44AM 25 now. But did you discuss the contents of the new agreement

1 with your client?

2 MS. GLANTON STEELE: Yes, I did, Your Honor.

3 THE COURT: And the new agreement reflects the
4 entire understanding -- current understanding that you had with
08:44AM 5 the government?

6 MS. GLANTON STEELE: Yes, Your Honor.

7 THE COURT: And did you review the facts of this
8 case and the discovery provided by the government?

9 MS. GLANTON STEELE: Yes, Your Honor.

08:44AM 10 THE COURT: And you reviewed those facts and
11 discovery with your client?

12 MS. GLANTON STEELE: I did, Your Honor.

13 THE COURT: And you've pursued with your client the
14 potential defenses he might have?

08:44AM 15 MS. GLANTON STEELE: Yes, I did, Your Honor.

16 THE COURT: And have you advised your client
17 concerning the legality or admissibility of any statements or
18 confessions or other evidence that the government has against
19 him?

08:44AM 20 MS. GLANTON STEELE: Yes, Your Honor.

21 THE COURT: And to the best of your knowledge, is
22 your client pleading guilty because of any illegally obtained
23 evidence in the possession of the government?

24 THE DEFENDANT: Not to my knowledge.

08:45AM 25 THE COURT: And did you and your client agree that

1 it was in his best interest to enter this plea?

2 MS. GLANTON STEELE: Yes, Your Honor.

3 THE COURT: Is it your opinion that your client is

4 entering into this plea freely and voluntarily with full

08:45AM 5 knowledge of the charge against him and the consequences of his

6 plea?

7 MS. GLANTON STEELE: Yes, Your Honor.

8 THE COURT: Have there been any promises,

9 representations, or guarantees made either to you or to your

08:45AM 10 client other than what is contained in the written plea

11 agreement and what has been stated here in open court?

12 MS. GLANTON STEELE: No, Your Honor.

13 THE COURT: Other than what is contained in the

14 written plea agreement, and other than what is stated here in

08:45AM 15 open court, and other than a general discussion of the

16 guidelines of sentencing range and other sentencing

17 considerations, have you given any indication of what specific

18 sentence the Court would impose or conveyed to your client any

19 promise of a particular sentence in the event the Court accepts

08:46AM 20 his plea of guilty?

21 MS. GLANTON STEELE: No, Your Honor.

22 THE COURT: Do you know of any reason why the Court

23 should not accept your client's plea?

24 MS. GLANTON STEELE: No, Your Honor.

08:46AM 25 THE COURT: And do you join in the waiver of jury

1 trial and concur in the plea?

2 MS. GLANTON STEELE: Yes, Your Honor.

3 THE COURT: And, Mr. McNally, other than what is
4 expressly contained in the written plea agreement and what has
08:46AM 5 been stated here in open court, has the government made any
6 promises, representations, or guarantees either to the
7 defendant or to defense counsel?

8 MR. McNALLY: No, it has not, Your Honor.

9 THE COURT: And does the government waive jury
08:46AM 10 trial?

11 MR. McNALLY: Yes, it does.

12 THE COURT: Thank you.

13 Mr. Sanchez, are you satisfied with the
14 representation your lawyer has provided?

08:46AM 15 THE DEFENDANT: Yes.

16 THE COURT: And have you told your lawyer everything
17 you know about your case, especially about any statements or
18 confessions or other evidence you know about that the
19 government has against you?

08:47AM 20 THE DEFENDANT: Yes.

21 THE COURT: Do you believe that your lawyer has
22 fully considered any reasonable defense you may have to the
23 charge?

24 THE DEFENDANT: Yes.

08:47AM 25 THE COURT: Do you believe that you've had enough

1 time to discuss this matter with your lawyer?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you believe your lawyer has fully
4 advised you concerning this matter?

08:47AM 5 THE DEFENDANT: Yes.

6 THE COURT: Do you believe that you understood
7 everything that has happened here this morning including
8 everything that has been said by the Court and by the lawyers?

9 THE DEFENDANT: Yes.

08:48AM 10 THE COURT: Do you believe you understand the
11 consequences to you of this decision to plead guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you know of any reason why the Court
14 should not accept your plea of guilty?

08:48AM 15 THE DEFENDANT: No.

16 THE COURT: Do you understand, then, that all that
17 is left in your case, if I accept your plea of guilty, is the
18 imposition of sentence which will include imprisonment?

19 Do you understand that?

08:48AM 20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Sanchez, having in mind all that we
22 have discussed regarding your plea of guilty, the rights that
23 you will be giving up, the maximum sentence you could receive,
24 the mandatory minimum sentence you must receive, is it still
08:49AM 25 your desire to plead guilty?

1 THE DEFENDANT: Yes.

2 THE COURT: All right, sir. Would you listen

3 carefully. I'm going to ask the prosecutor to state the facts

4 that the government would be prepared to prove at trial, and

08:49AM 5 then I'm going to ask you some questions about what he is about
6 to say.

7 All right. Mr. McNally.

8 MR. McNALLY: Yes, Your Honor. Before I do that, I

9 think the Court started to discuss this provision and it never

08:49AM 10 did. Mr. Sanchez does not have lawful status in the

11 United States, which means that, you know, with this

12 conviction, it's a virtual certainty that he will be deported

13 following service of the sentence imposed. The Court

14 previously advised Mr. Sanchez of that at the last change of

08:50AM 15 plea, but I want to do so again and confirm that he still

16 wishes to proceed in light of that fact.

17 THE COURT: All right. Mr. Sanchez, earlier when

18 the prosecutor discussed the immigration consequences to you of

19 being convicted of a felony, I will admit I don't recall his

08:50AM 20 precise words, but you should be advised that it is almost a

21 certainty that, if you are not a United States citizen, that it

22 is likely that you will be deported from this country once you

23 have served your sentence.

24 Do you understand?

08:50AM 25 THE DEFENDANT: Yes. Yes, I understand it.

1 THE COURT: Okay. And with that understanding, is
2 it still your desire to go forward with this guilty plea?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Does anyone else wish the
08:51AM 5 Court to make any further comments, advice, or inquiry before
6 we proceed any further? Mr. McNally?

7 MR. McNALLY: No, Your Honor.

8 THE COURT: Ms. Glanton Steele?

9 MS. GLANTON STEELE: No, Your Honor.

08:51AM 10 THE COURT: All right. Mr. McNally, go ahead and
11 state the facts that the government would be prepared to prove
12 in the event this matter proceeded to trial.

13 MR. McNALLY: The government would prove that,
14 during April 9th and 10th, 2013, law enforcement used Ares, a
08:51AM 15 peer-to-peer file-sharing software, to download child
16 pornography that defendant was sharing over the internet. On
17 August 20th, 2013, law enforcement executed a federal search
18 warrant at defendant's residence, and defendant possessed over
19 1,000 images of child pornography, including videos of child
08:52AM 20 pornography that defendant produced.

21 In addition, defendant produced videos of seven
22 minors, including minors who he had access to through his
23 mother's daycare, center engaging in sexually explicit conduct.
24 Defendant videotaped himself fondling and performing oral sex
08:52AM 25 on these victims. For example, defendant produced videos

1 titled "VID" and the file number referenced in the plea
2 agreement that ends in 814 and "VID" file ending in 807.

3 File ending in 814 depicts Victim M.'s genital area
4 and defendant's hand partially pulling down her navy-and-white
08:53AM 5 floral panties. Victim M was approximately six to eight years
6 old at the time of the offense.

7 Video ending in 807 is a continuation of the one
8 ending in 814. It depicts defendant and Victim M lying on
9 defendant's couch. In the video, defendant pulls aside
08:53AM 10 Victim M.'s navy-and-white floral panties to display her vagina
11 to the camera, then inserts his hand into the frame and touches
12 her vagina.

13 Defendant produced this and other videos at his
14 residence in Sylmar, California. Defendant produced the videos
08:53AM 15 using materials that have been shipped, mailed, transported in
16 or affecting interstate and foreign commerce.

17 THE COURT: All right. Mr. Sanchez, do you
18 understand everything the prosecutor just said?

19 THE DEFENDANT: Yes.

08:54AM 20 THE COURT: Is everything he said about you and your
21 conduct true and correct?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you pleading guilty because you did
24 the things charged in the Indictment?

08:54AM 25 THE DEFENDANT: Yes.

1 THE COURT: Are you pleading guilty because you are
2 guilty?

3 THE DEFENDANT: Yes.

4 THE COURT: Does either counsel wish the Court to
08:54AM 5 make any further inquiry in terms of compliance with the
6 requirements of Rule 11(b)?

7 Mr. McNally?

8 MR. McNALLY: No, Your Honor.

9 THE COURT: Ms. Glanton Steele?

08:54AM 10 MS. GLANTON STEELE: No, Your Honor.

11 THE COURT: Thank you, Counsel.

12 In the matter of the *United States of America vs.*
13 *Israel Sanchez*, Case Number CR 18-00553, how do you plead to
14 Count Three of the Indictment, charging a violation of
08:55AM 15 Title 18, United States Code, Section 2251(a), production of
16 child pornography?

17 THE DEFENDANT: Guilty.

18 THE COURT: All right, Mr. Sanchez, I'm going to
19 make certain findings. If you don't understand what I say or
08:55AM 20 if you disagree with what I say, please interrupt me right
21 away.

22 In the matter of the *United States vs. Israel*
23 *Sanchez*, the Court having questioned the defendant and his
24 counsel on the offer of his plea of guilty to Count Three of
08:55AM 25 the Indictment, a felony, the defendant and his counsel having

1 advised the Court that they have conferred concerning the offer
2 of plea of guilty and all aspects of the charge against him as
3 well as any defenses he may have, and the Court having observed
4 the defendant's intelligence, demeanor, and attitude while
08:56AM 5 answering questions, and the Court having observed that the
6 defendant does not appear to be under the influence of any
7 medicine, drug, or other substance or factor that might affect
8 his actions or judgment in any manner, the Court finds that the
9 defendant is fully competent and capable of entering an
08:56AM 10 informed plea, that he is aware of the nature of the charge and
11 the consequences of that plea.

12 The Court further finds that the plea of guilty is
13 knowingly, voluntarily, and intelligently made with a full
14 understanding of his constitutional rights. The Court further
08:57AM 15 finds that the plea is supported by an independent factual
16 basis containing each of the essential elements of the offense.
17 The Court, therefore, accepts the plea, reserves its decision
18 on whether to accept the plea agreement, but orders that the
19 plea be entered.

08:57AM 20 Are we satisfied with the current Presentence
21 Investigation Report, or does anyone feel it needs to be
22 updated? Mr. McNally?

23 MR. McNALLY: Not from the government. It's
24 satisfied with the content of the report.

08:57AM 25 THE COURT: All right. Ms. Glanton Steele?

1 MS. GLANTON STEELE: I agree, Your Honor.

2 THE COURT: All right. Then we will proceed on the
3 basis of the existing Presentence Investigation Report.

4 All right. I understand that the parties have
08:58AM 5 agreed to a sentencing date of February 8, 2021, at 10:00 a.m.;
6 is that correct?

7 MR. McNALLY: That's correct, Your Honor.

8 MS. GLANTON STEELE: Yes, Your Honor.

9 THE COURT: All right. All other dates in this
08:58AM 10 matter are vacated. All material witnesses are released.

11 Counsel are ordered to file their sentencing
12 position papers in advance of the sentencing hearing.

13 Mr. Sanchez, you will remain in the custody of the
14 United States Marshals until the date of sentencing.

08:58AM 15 Anything further from the government?

16 MR. McNALLY: No, Your Honor.

17 THE COURT: From the defense?

18 MS. GLANTON STEELE: No, Your Honor.

19 THE COURT: All right. Thank you all.

08:58AM 20 **(Proceedings concluded at 8:58 a.m.)**

21 --oOo--

22

23

24

25

CERTIFICATE OF OFFICIAL REPORTER

COUNTY OF LOS ANGELES)
STATE OF CALIFORNIA)

I, DEBBIE HINO-SPAAN, FEDERAL OFFICIAL REALTIME COURT REPORTER, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Date: May 9, 2021

/S/ *DEBBIE HINO-SPAAN*

Debbie Hino-Spaan, CSR No. 7953
Federal Official Court Reporter